Case Summary

Complaint against Social Welfare Department for delay in processing an application for disability allowance

The Complaint

The complainant alleged that the Social Welfare Department (“SWD”) had delayed processing his wife’s application for disability allowance.

Sequence of Events

2. On 9 August 2004, the complainant’s wife (“the applicant”) applied for a disability allowance. Ms. A of SWD’s Medical Social Service Unit (“MSSU”) attached to the hospital handled her application, and issued a medical assessment form to her doctor to assess her eligibility.

3. On 13 September, the doctor returned the assessment form to Ms. A, confirming the applicant’s eligibility. However, Ms. A was on leave.

4. Ms. A resumed duty in late September. As she had to clear a backlog of work as well as to cover for a colleague on leave, processing of the application was not attended to.

5. After nearly a month, on 15 October, Ms. A sent the applicant’s assessment report to the responsible Social Security Field Unit (“SSFU”) of SWD for further processing of her application.

6. In late October, the applicant’s health condition deteriorated and she passed away. Later that day, Ms. B of SSFU tried to contact the complainant to complete the application formalities. She was told of the applicant’s death. As the applicant had not yet signed the application and made the relevant declaration, SWD was not able to continue processing her application.

7. The complainant was dissatisfied that it had taken SWD more than two months to point out that the application required the applicant’s signature.

He alleged that SWD had delayed handling the matter.

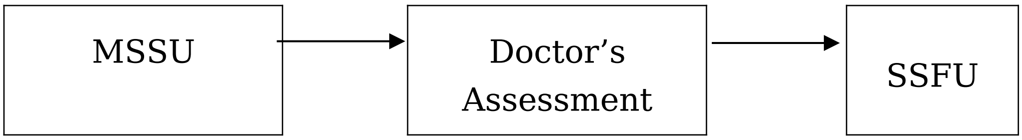
Our Observations and Opinions

8. There had been delay in processing in this case. After completion of the assessment report by the applicants' doctor, it was over a month before Ms. A took action on the application. More than two and a half months had elapsed by the time SSFU tried to contact the complainant to complete the outstanding application formalities. The delay had resulted in the applicant being deprived of her entitlement to disability allowance.

9. While it is normal for staff to take leave from time to time and for their duties to be shared by other colleagues, there is a need to ensure that urgent or time-sensitive matters will be attended to in a timely manner.

10. Through this complaint, we have also noticed a disparity in processing depending on the application channel used. An application for disability allowance can be submitted either through SWD's MSSU attached to a hospital or directly to the Department's SSFU. This will lead to two alternative processes, as follows:

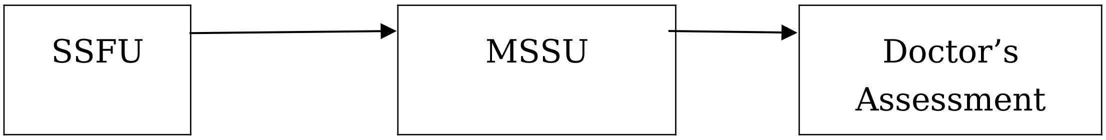
(A) Through MSSU



Arrange for doctor's assessment; application form yet to be completed

Application form completed; application comes into effect. If approved, allowance would be back-dated to the day when MSSU was approached

(B) Through SSFU



<u>Application form completed; application comes into effect.</u> If eventually approved, allowance would be back-dated to this date

Arrange for doctor's assessment

11. In the present case, the applicant applied through MSSU, i.e. Process (A). Unlike Process (B) applicants, her application formalities could not be completed until after the referral to SSFU. Regrettably, she died before completing the application procedure by signing the application form.

12. We consider that the two processes should be aligned or promptly improved, and that Process (A) unnecessarily drags out the application process.

13. In sum, The Ombudsman considers the complaint **substantiated.**

SWD's Improvement Plans

14. SWD has formulated the following improvement plans:

(i) to set specific service targets, stipulating deadlines for referral for medical assessment and forwarding of assessment reports to SSFUs;
(ii) to design a well-defined monitoring system to ensure that the officer-in-charge of each section will make proper arrangements to cope with the work of any staff member on leave; and
(iii) to enhance staff awareness of and alertness to work priorities through training.

Our Recommendations

15. We support the improvement plans, and recommend that SWD:

(i) apologise to the complainant for the delay;
(ii) implement the improvement plans expeditiously; and
(iii) revise Process (A) to allow and advise all applicants to complete and sign their applications as early as possible, without waiting for the doctor's assessment, in order to prevent recurrence of similar incidents.

16. SWD has undertaken to pursue our recommendations. This Office will monitor progress.

Office of The Ombudsman
June 2005